

## Article - Estates and Trusts

[\[Previous\]](#)[\[Next\]](#)

§15–614.

(a) The legal duties imposed on a fiduciary charged with managing tangible property apply to the management of digital assets, including:

- (1) The duty of care;
- (2) The duty of loyalty; and
- (3) The duty of confidentiality.

(b) A fiduciary's or designated recipient's authority with respect to a digital asset of a user:

- (1) Except as otherwise provided in § 15–603 of this subtitle, is subject to the applicable terms of service;
- (2) Is subject to other applicable law, including copyright law;
- (3) In the case of a fiduciary, is limited by the scope of the fiduciary's duties; and
- (4) May not be used to impersonate the user.

(c) A fiduciary with authority over the property of a decedent, protected person, principal, or settlor has the right to access a digital asset in which the decedent, protected person, principal, or settlor had a right or interest and that is not held by a custodian or subject to a terms-of-service agreement.

(d) A fiduciary acting within the scope of the fiduciary's duties is an authorized user of the property of the decedent, protected person, principal, or settlor for the purpose of applicable computer-fraud and unauthorized-computer-access laws, including § 7–302 of the Criminal Law Article.

(e) A fiduciary with authority over the tangible, personal property of a decedent, protected person, principal, or settlor:

- (1) Has the right to access the property and the digital assets stored in it; and

(2) Is an authorized user for the purpose of computer–fraud and unauthorized–computer–access laws, including § 7–302 of the Criminal Law Article.

(f) A custodian may disclose information in an account to a fiduciary of the user when the information is required to terminate an account used to access digital assets licensed to the user.

(g) (1) A fiduciary of a user may request a custodian to terminate the user’s account.

(2) The fiduciary shall submit the request for termination to the custodian in writing, in either physical or electronic form, accompanied by:

(i) If the user is deceased, a copy of the death certificate of the user;

(ii) A copy of the letters of administration of the personal representative or court order appointing a special administrator, power of attorney, or trust granting the fiduciary authority over the account; and

(iii) If requested by the custodian:

1. A number, username, address, or other unique subscriber or account identifier assigned by the custodian to identify the user’s account;

2. Evidence linking the account to the user; or

3. A finding by the court that the user had a specific account with the custodian, identifiable by the information specified in item 1 of this item.

[\[Previous\]](#)[\[Next\]](#)